THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No.17000 of 2007
Date: 06.11.2007

Between:

Kakatiya University,
Rep.by its Registrar, Vidyaranyapuri,
Warangal. … Petitioner

And

1. Industrial Tribunal-Cum-Labour Court,
   Warangal and others. … Respondents

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O R D E R:

Questioning the orders dated 17.5.2007 passed by the Labour Court, Warangal in I.A.No.349 of 2006 in M.P.No.68 of 2003, the petitioner-university filed the present writ petition.

2. Respondent Nos 2 to 11-workmen filed M.P.No.68 of 2003 under Section 33 (c)(2) of Industrial Disputes Act, 1947 claiming the differential wages due to them from the petitioner-university. The Labour Court by order dated 14.11.2005 allowed the said application and directed the petitioner-university to pay an amount of Rs.86,670/- towards wages to respondent Nos.2, 4, 6 to 11-workmen and Rs.89,370/- towards wages to R3 and R5-workmen within a period of three months from the date of that order. Aggrieved by the said orders, the petitioner-university filed review petition in I.A.No.349 of 2006 with a delay condone petition in I.A.No.350 of 2006 to condone the delay of 204 days in filing the review application to review the orders dated 14.11.2005 passed in MP No.68 2003. The Labour Court, by reason of the orders impugned in the writ petition dismissed the said applications. Aggrieved by the orders passed in I.A.No.349 of 2006, the petitioner-university filed the present writ petition.

3. This court on 09.8.2007 while issuing notice before admission

granted interim stay of operation of orders in MP No.68 of 2003. Thereafter, respondent Nos 2 to 11-workmen filed vacate stay petition in WVMP No.2555 of 2007.

4. It is contended by the learned counsel for respondent Nos.2 to 11-workmen that against the orders passed in MP No.68 of 2003, the petitioner-university has already filed writ petition in WP No.21415 of 2006 and obtained interim stay orders on 16.10.2006 in WP MP No.27158 of 2006 which were subsequently made absolute by this court on 30.07.2007 on condition of depositing half of the amount awarded by the lower Court by the petitioner-university and the workmen are permitted to withdraw the same. He further contended that the petitioner-university by suppressing the fact of filing writ petition against the orders passed in MP No.68 of 2003, filed review applications before the Labour Court. The Labour Court on coming to know of the said fact, dismissed the applications filed by the petitioner-university. Hence, the present writ petition filed by the petitioner-university is not maintainable.

5. The learned Standing Counsel for the petitioner-university fairly admitted that the petitioner-university has already filed writ petition in W.P.No.21415 of 2006 against the orders in MP No.68 of 2003 dated 14.11.2005 and obtained interim orders.

6. Having regard to the fact that against the orders passed in MP No.68 of 2003 dated 14.11.2005, the petitioner-corporation has already filed WP No.21415 of 2006 and obtained stay orders, which were made absolute by court on 30.07.2007, there is no need to entertain this writ petition.

7. Hence, the writ petition is dismissed. No costs.

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N.V.RAMANA,

J.

06th November, 2007.

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